

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11687 of 2021

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M/s Sarswati Company through the Director Vijay Kumar aged about 67 years (Male) S/o Late Jadolal Sah, At- P.O.- Hussaini, P.S.- Dumariya Ghat, District- East Champaran, Branch Officer, Tazor Colony Ward no. 7, Noniyar , Bettiah, West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, West Champaran at Bettiah
2. The Engineer in Chief Building Construction Department, Patna, Bihar
3. The Superintending Engineer, Building Construction Department, Muzaffarpur
4. The Executive Engineer, Building Division, West Champaran at Bettiah
5. The Assistant Engineer, Building Sub Division, West Champaran at Bettiah
6. The Junior Engineer, Building Sub Division, Bettiah

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Prithvi Nath Mishra, Advocate
For the Respondent/s : Mr. Manoj Kr. Ambastha (Sc26)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

(The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.)

Date : 07-01-2022

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s).

“ That the present writ petition is being filed for the order and orders direction or directions commanding the respondents authorities for the payment of Rs. 6,73,000/- for the work of the Barricading and construction of Helipad for the visit of the Hon’ble Chief Minister Sri Nitish Kumar, Bihar during

Seva Yatra at Maharaja Stadium Bettiah West Champaran on dated 11.11.11 as per the direction of the District Magistrate West Champaran at Bettiah.

Thereafter Tender has been invited by the Executive Engineer on dated 04.11.2011 and Tender has been opened on 05.11.2011. After opened the Tender Work allotted to the petitioner and after allotment of the work the petitioner has constructed the said work within the fixed time and bill has been submitted by the petitioner of Rs. 673,000/- before respondent authorities.

This is admitted due but uphill now payment has not been made to the petitioner and thereafter the petitioner has filed several representation before respondent authorities till now but till today no any action taken by the respondent authorities.

As per above facts and circumstances of the case your lordships given the direction to the respondents authorities for the payment of Rs. 6,73,000/- to the petitioner.”

Petitioner has filed this writ petition for a direction to the authorities concerned to make payment of Rs.6,73,000/- for the work done by him in the year 2011 but said amount has not been paid as yet.

Learned counsel for the State submits that claim is stale and even money suit for realization of claimed amount is barred by law of limitation.

Petitioner has approached this Court after inordinate delay of 10 years for which, no sufficient reason has

been furnished, as such, present writ petition is dismissed on the ground of delay and laches.

(Sanjay Karol, CJ)

(S. Kumar, J)

veena/-rajiv

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	NA